

House Bill 343 (AS PASSED HOUSE AND SENATE)

By: Representatives Collins of the 27th, Chambers of the 81st, Martin of the 47th, Hamilton of the 23rd, Day of the 163rd, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 5 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Motor Carrier Compliance Division of the Department of Public Safety, so as to provide for the position of weight inspector for the Motor Carrier Compliance Division of the Department of Public Safety; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Motor Carrier Compliance Division of the Department of Public Safety, is amended in Code Section 35-2-100, relating to the creation of members designated as law enforcement officers, as follows:

"35-2-100.

There is created and established a division of the Department of Public Safety to be known as the Motor Carrier Compliance Division; Except as provided in Code Section 35-2-102, the members of ~~which~~ the Motor Carrier Compliance Division shall be known and designated as 'law enforcement officers.'"

SECTION 2.

Said article is further amended by adding a new Code section to read as follows:

"35-2-102.

(a) The commissioner is authorized to establish a position to be known as 'weight inspector' within the Motor Carrier Compliance Division of the Department of Public Safety. Weight inspectors shall be assigned to fixed scales facilities and shall not be authorized to operate outside such facilities. The number of such positions shall be

determined by the commissioner within the limits set by available appropriations. Weight inspectors may be divided into such ranks as the commissioner deems appropriate.

(b) The commissioner shall ensure that a weight inspector is properly trained regarding laws governing commercial motor vehicle weight, registration, size, and load, including, but not limited to, commercial motor vehicle provisions in Article 2 of Chapter 6 of Title 32 and safety standards for commercial motor vehicles and such motor vehicle components. The training required in the areas required by this subsection shall be equivalent to training provided to certified officers in the Motor Carrier Compliance Division.

(c) A weight inspector, at the fixed scales facility, shall be authorized to:

(1) Enforce noncriminal provisions relating to commercial motor vehicle weight, registration, size, and load and assess a civil penalty for a violation of such provisions; and

(2) Detain a commercial motor vehicle that:

(A) Has a safety defect which is critical to the continued safe operation of the vehicle;

(B) Is being operated in violation of any criminal law; or

(C) Is being operated in violation of an out-of-service order as reported on the federal Safety and Fitness Electronic Records data base.

The detention authorized by this paragraph shall be for the purpose of contacting a certified member of the Motor Carrier Compliance Division or Georgia State Patrol. A certified officer shall report to the scene of a detained vehicle and take any further action deemed appropriate including completing the inspection and investigation, making an arrest, or bringing criminal or civil charges.

(d) A weight inspector is not a peace officer and shall not be authorized to carry a firearm or exercise any power of arrest other than a citizen's arrest in accordance with Code Sections 17-4-60 and 17-4-61. At all times while a weight inspector is on duty, there shall be a supervisor over the weight inspector also on duty who shall be a certified peace officer."

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.